

REMARKS

Applicants respectfully request the Examiner to enter the above amendments and to reconsider the restriction requirement in view of the following remarks.

Status of Claims

Claims 1 to 27 will be pending after entry of the present amendment. Claims 1 and 25 are being amended, and Claim 27 is being added.

Amendment

Claim 1 is being amended to correct typographical errors. Claim 25 is being amended to correct the chemical formula for consistency with the compounds listed in dependent Claim 26.

Claim 27 is new and is supported by the specification for example at page 10, line 10 to page 12, line 8.

No new matter is added by the amendments to the claims.

Response to Restriction Requirement

The Examiner has required restriction of the claims under 35 U.S.C. § 121 as follows:

I. Claims 1 to 14, drawn to the process of preparing diazabenzocd]cyclopenta[a]azulene, classified in class 540, subclass 555.

II. Claims 15 to 26 drawn to the cyclopenta[b]indole compounds, classified in class 548, subclasses 439, 448 and 449.

Election

Applicants elect the claims of Group I (Claims 1 to 14) with traverse.

Restriction Between Groups I and II

With respect to Groups I and II, the Examiner has required restriction between process claims for making diazabenzocd]cyclopenta[a]azulene compounds (Group I) and

intermediate compounds (Group II) that are used in the process claims of Group I. Applicants respectfully traverse this restriction requirement for the reasons set forth below.

For a restriction requirement to be proper under 35 U.S.C. §121, there must be a serious burden to the Examiner to search if restriction is not required (see e.g., MPEP §803). Applicants respectfully submit that it would not be a serious burden for the Examiner to examine all claims as amended because of the relationship of the claims. In this regard, the intermediate compounds of Claims 21, 23, and 25 are required in the process of Claim 1. Thus, a search of the process of Claim 1 will also involve a search of the compounds of Claims 21, 23, and 25. Moreover, the intermediate compounds of Claims 15, 17, and 19 are required in the process of Claim 27 and a search of the process of Claim 27 will involve a search of the intermediate compounds of Claims 15, 17 and 19. Thus, it is respectfully submitted that it would not be a serious burden for the Examiner to search the intermediate compound claims of Group II while searching for the process claims of Group I.

For these reasons, it is respectfully requested that the claims of Group II be regrouped with the claims of Group I.

CONCLUSION

Applicants respectfully request entry of the present amendment and reconsideration of the restriction requirement. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,



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